

### **IC 16-40-3**

#### **Chapter 3. Reporting Deaths or Complications From Morbid Obesity Surgeries**

### **IC 16-40-3-1**

#### **"Morbid obesity"**

Sec. 1. As used in this chapter, "morbid obesity" means:

- (1) a body mass index of at least thirty-five (35) kilograms per meter squared, with comorbidity or coexisting medical conditions such as hypertension, cardiopulmonary conditions, sleep apnea, or diabetes; or
- (2) a body mass index of at least forty (40) kilograms per meter squared without comorbidity.

For purposes of this section, body mass index is equal to weight in kilograms divided by height in meters squared.

*As added by P.L.196-2005, SEC.3.*

### **IC 16-40-3-2**

#### **Physician monitoring and reporting**

Sec. 2. (a) A physician who is licensed under IC 25-22.5 and who performs a surgical treatment for the treatment of morbid obesity shall:

- (1) monitor the patient for five (5) years following the patient's surgery; and
- (2) report:
  - (A) to; and
  - (B) in a manner prescribed by;the state department any death or serious complication of the patient.

(b) The report required in subsection (a) must include the following information:

- (1) The gender of the patient.
- (2) The name of the physician who performed the surgery.
- (3) The location where the surgery was performed.
- (4) Information concerning the death or complication and the circumstances in which the death or complication occurred.

*As added by P.L.196-2005, SEC.3.*

### **IC 16-40-3-3**

#### **Maintenance of information reported; public record**

Sec. 3. (a) The state department shall collect and maintain the information reported to the state department under section 2 of this chapter.

(b) The reports made under section 2(a)(2) of this chapter are public records and are subject to public inspection. However, the state department may not release any information contained in the reports that the state department determines may reveal the patient's identity.

*As added by P.L.196-2005, SEC.3.*

**IC 16-40-3-4****Violations**

Sec. 4. A physician who knowingly violates this chapter may be subject to disciplinary sanctions under IC 25-1-9 as if the physician had knowingly violated a rule adopted by the medical licensing board under IC 25-22.5-2-7.

*As added by P.L.196-2005, SEC.3.*

**IC 16-40-3-5****Rules**

Sec. 5. The state department shall adopt rules under IC 4-22-2 necessary to implement this chapter.

*As added by P.L.196-2005, SEC.3.*

**IC 16-40-3-6****Expiration**

Sec. 6. This chapter expires June 30, 2010.

*As added by P.L.196-2005, SEC.3.*